

REMARKS

The Applicant respectfully requests further examination and consideration in view of the amendments above and the arguments set forth fully below. Prior to this Office Action, Claims 1, 3-20, and 22-27 were pending in this application. Within the Office Action, Claims 1, 3-20, and 22-27 are rejected. Accordingly, Claims 1, 3-20, and 22-27 are currently pending in this application.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1, 3-20, and 22-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,586 issued to Cloutier et al. (hereafter "Cloutier") in view of U.S. Patent No. 6,449,344 issued to Goldfinger et al. (hereafter "Goldfinger"). The Applicant respectfully traverses these rejections.

The present invention is directed to an apparatus for and a method of providing message notification for a user through an instant messaging service. A message notification application 10 is registered to an instant messaging service 14 through an IP Network 16 such as the Internet or a private intranet. The message notification application 10 maintains a buddy list corresponding to the instant messaging service 14. In the case of multiple internet messaging services, a separate buddy list for each instant messaging service is maintained by the message notification application 10. When the user logs onto the instant messaging service 14 using a particular internet appliance 18, the user instructs the message notification application 10 that the user desires to be notified when a new message is received. The message notification application 10 then adds the user to the buddy list corresponding to the instant messaging service 14 used by the user.

When a new message is received, such as by a voice messaging or unified messaging server 12, the message notification application 10 originates an instant message notification and sends the instant message notification to the instant messaging service 14 for delivery to the user. The instant messaging service 14 then transmits the instant message notification to the internet appliance 18 currently used to access the instant messaging service 14 by the user. The message notification application 10 does not directly transmit the instant message notification to the end user. In this manner, the message notification application 10 is not burdened with the added complexity of performing instant messaging services.

For point of discussion, the unified messaging server 12 can be considered a front-end messaging system, that is a messaging system where a message is received and stored. Further, the instant messaging service 14 can be considered a back-end messaging system, that is a messaging system that sends a notification to the end user. Within the Office Action, it is stated that the motivation for adding a notification system of Goldfinger to a messaging system of Cloutier is that Cloutier discloses alerting a user of receipt of a new message by working in conjunction with “other messaging systems”. However, such “other messaging systems” of Cloutier reference front-end messaging systems, such as email server 110 that receives email for the user. This is further substantiated in column 1, lines 16-19, in which Cloutier teaches other messaging systems such as voice mail, email, fax services, and “many messaging systems”. In contrast, the communications system of Goldfinger uses an information management apparatus 28 and an annunciator 24 to send a notification to a user. Although the Applicant does not believe that such a configuration within Goldfinger is the same as the back-end messaging system of the present invention, for comparison purposes, this configuration of Goldfinger can be considered most analogously to a back-end messaging system since it is providing a notification to the user. Since Goldfinger teaches a back-end messaging system, and the motivation within Cloutier is directed to a front-end messaging system, the motivation to combine Goldfinger with Cloutier is not valid. Therefore, each of the independent claims 1, 8, 14, 20, and 27, which are rejected by the combination of Goldfinger with Cloutier, are allowable.

Further, Cloutier does not teach “registering the message notification application to at least one instant messaging service” as stated in the Office Action. However, the cited passage within Cloutier, column 4, lines 15-25, teaches a messaging system server 120 sending a message notification over the internet 130 to a personal computer 190. In other words, Cloutier teaches sending a notification to an end user access device. Clearly, “sending a notification” and “registering with a service” is not the same. Further, there is no hint, teaching , or suggestion of registering a notification application, such as the messaging system server 120, to a messaging service, such as an instant messaging service, as claimed. Since Cloutier teaches sending a notification directly to an end user, there is no need to configure a registration process to register a notification application with an intermediate instant messaging system. As there is not a need, Cloutier does not teach a registration process by which the notification application is registered to an instant messaging service.

Within the Office Action, it is stated that Goldfinger teaches “accessing one of the at least one instant messaging services by the user”, as claimed in the present application. To support

this assertion, column 5, lines 35-50 of Goldfinger is cited, which teaches a notification mechanism that notifies an information management apparatus 28 within a remote server 20 when a user 18 connects to the internet 14. However, Goldfinger teaches that the user 18 establishes a connection to the internet 14, and that is all. The user 18 does not access the server 20. Instead, a notification signal is sent to the server 20. Accessing a service is well known in the art and typically entails logging onto a service or some other method of explicitly connecting the user to the service. The present application teaches a user accessing the instant messaging service 14 via the internet 16 and then logging into the instant messaging service 14 (Specification, page 4, lines 9-10). As such, accessing the service by the user, as claimed in the present application, is not the same as sending a notification signal to the service by an underlying software program within the user's terminal.

Within the Office Action, it is stated that Goldfinger teaches "sending an instant message via the one instant messaging service to the user when a message arrives on the server for the user", as claimed in the present application. To support this assertion, column 6, lines 35-50 of Goldfinger is cited. Within the Office Action, this cited portion is characterized as teaching a server that sends a message to a user when the message arrives from another user. However, there is no hint, teaching, or suggestion within this passage that indicates a message is received by the server 20 for the user 18, or the user 34, as claimed in the present application. Instead, Goldfinger teaches that when another user, user 34, connects to the internet 14, a notification is sent to user 18 that user 34 has connected to the network. There is no message that arrives on the server 20 for the user 18; instead, a notification is generated by the server (annunciator 24) when the user 34 is connected to the interne 14. As such, Goldfinger does not teach sending an instant message notification when a message arrives on the server for the user.

Within the Office Action, it is stated that Goldfinger teaches "signing the user onto the message notification application by adding the user to a buddy list of the message notification application thereby associating the user to the one instant messaging service which the user is currently accessing". To support this assertion, column 6, lines 3-35 of Goldfinger are cited. The cited passage of Goldfinger teaches a server 20 that includes an information management apparatus 28 that maintains a list of users connected to the internet 14. The present application specifically claims "adding the user to a buddy list of the message notification application". However, if the system of Goldfinger is used to maintain the list of connected users (buddy list), as proposed in the Office Action, then the information management apparatus 28 of the server 20 necessarily must maintain the list of connected users. Therefore, the server 20 maintains the list

of connected users, not the notification apparatus 30. In contrast, the present invention teaches a buddy list of the message notification application, as claimed.

Further, even if the proposed combination of the messaging system of Cloutier and the notification application of Goldfinger is valid, which the Applicant contends is not the case, the proposed combination does not teach the message notification system of the present application as claimed. Cloutier teaches messaging functions that alert a message recipient of the receipt of new messages (Cloutier, col. 3, lines 33-35). This messaging functionality is performed and controlled by a messaging server 120. In other words, any notification functionality resides within the messaging server 120. Goldfinger teaches a notification application, connection notification apparatus 30, that resides in the user terminal 12, which clearly must be remote from any messaging server. Therefore, a combined system of Cloutier and Goldfinger necessarily includes two separate notification applications, one on the remote user terminal (Goldfinger) and on the messaging server (Cloutier). Two separate and distinct notification applications is not the same as the message notification application of the present invention.

The independent Claim 1 is directed to a method of providing message notification for a user. The method includes coupling a message notification application to a server, wherein the server stores messages for the user, registering the message notification application to at least one instant messaging service, accessing one of the at least one instant messaging service by the user, signing the user onto the message notification application by adding the user to a buddy list of the message notification application thereby associating the user to the one instant messaging service which the user is currently accessing, and sending an instant message notification from the message notification application via the one instant messaging service to the user when a message arrives on the server for the user. As discussed above, the combination of Goldfinger with Cloutier is not valid. Further, Cloutier does not teach registering the message notification application to at least one instant messaging service. Still further, Goldfinger does not teach accessing one of the at least one instant messaging services by the user. Further, Goldfinger does not teach sending an instant message notification when a message arrives on the server for the user. Still further, Goldfinger does not teach adding the user to a buddy list of the message notification application. Still yet further, the proposed combination of Goldfinger with Cloutier necessarily includes two separate notification applications, not a single message notification application. For at least these reasons, the independent Claim 1 is allowable over the combination of Goldfinger with Cloutier.

Claims 3-7 are dependent on independent Claim 1. As stated above, Claim 1 is allowable over the combination of Goldfinger with Cloutier. Accordingly, Claims 3-7 are also in allowable as being dependent on an allowable base claim.

The amended independent Claim 8 is directed to an apparatus for providing message notification and allowing a user to instantly review new messages. The apparatus comprises at least one instant messaging service, a message notification application registered to the at least one instant messaging service, wherein the message notification application includes a buddy list onto which the user is added, thereby associating the user to one of the at least one instant message service that the user is currently using, a server for storing messages and providing a medium for the message notification application to operate, and an internet appliance to access the server and receive an instant message notification from the message notification application via the one instant messaging service, the instant message notification indicates that a new message is stored on the server for the user. As discussed above, the combination of Goldfinger with Cloutier is not valid. Further, Cloutier does not teach registering the message notification application to at least one instant messaging service. Still further, Goldfinger does not teach accessing one of the at least one instant messaging services by the user. Further, Goldfinger does not teach sending an instant message notification when a message arrives on the server for the user. Still further, Goldfinger does not teach adding the user to a buddy list of the message notification application. Still yet further, the proposed combination of Goldfinger with Cloutier necessarily includes two separate notification applications, not a single message notification application. For at least these reasons, the independent Claim 8 is allowable over the combination of Goldfinger with Cloutier.

Claims 9-13 are dependent on independent Claim 8. As stated above, Claim 8 is allowable over the combination of Goldfinger with Cloutier. Accordingly, Claims 9-13 are also in allowable as being dependent on an allowable base claim.

The amended independent Claim 14 is directed to a message notification system that allows the user to instantly review new messages. The message notification system comprises at least one instant messaging service, a message notification application registered to the at least one instant messaging service, wherein the message notification application includes a buddy list onto which the user is added, thereby associating the user to one of the at least one instant message service that the user is currently using, a server for storing messages and providing a medium for the message notification application to operate, and an internet appliance to access the server and receive an instant message notification from the message notification application

via the one instant messaging service, the instant message notification indicates that a new message is stored on the server for the user. As discussed above, the combination of Goldfinger with Cloutier is not valid. Further, Cloutier does not teach registering the message notification application to at least one instant messaging service. Still further, Goldfinger does not teach accessing one of the at least one instant messaging services by the user. Further, Goldfinger does not teach sending an instant message notification when a message arrives on the server for the user. Still further, Goldfinger does not teach adding the user to a buddy list of the message notification application. Still yet further, the proposed combination of Goldfinger with Cloutier necessarily includes two separate notification applications, not a single message notification application. For at least these reasons, the independent Claim 14 is allowable over the combination of Goldfinger with Cloutier.

Claims 15-19 are dependent on independent Claim 14. As stated above, Claim 14 is allowable over the combination of Goldfinger with Cloutier. Accordingly, Claims 15-19 are also in allowable as being dependent on an allowable base claim.

The amended independent Claim 20 is directed to a message notification system for a user. The message notification system comprises means for coupling a message notification application to a server, wherein the server stores messages for the user, means for registering the message notification application to at least one instant messaging service, means for accessing one of the at least one instant messaging service by the user, means for signing the user onto the message notification application by adding the user to a buddy list of the message notification application thereby associating the user to the one instant messaging service which the user is currently accessing, and means for sending an instant message notification from the message notification application via the one instant messaging service to the user when a message arrives on the server for the user. As discussed above, the combination of Goldfinger with Cloutier is not valid. Further, Cloutier does not teach registering the message notification application to at least one instant messaging service. Still further, Goldfinger does not teach accessing one of the at least one instant messaging services by the user. Further, Goldfinger does not teach sending an instant message notification when a message arrives on the server for the user. Still further, Goldfinger does not teach adding the user to a buddy list of the message notification application. Still yet further, the proposed combination of Goldfinger with Cloutier necessarily includes two separate notification applications, not a single message notification application. For at least these reasons, the independent Claim 20 is allowable over the combination of Goldfinger with Cloutier.

Claims 22-26 are dependent on independent Claim 20. As stated above, Claim 20 is allowable over the combination of Goldfinger with Cloutier. Accordingly, Claims 22-26 are also in allowable as being dependent on an allowable base claim.

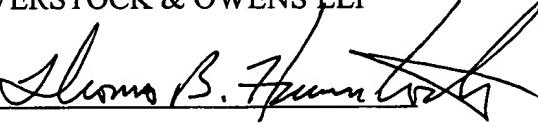
The amended independent Claim 27 is directed to a method of providing a voice messaging notification application for a user in an instant messaging system. The method comprises the steps of coupling a message notification application to a server, wherein the server stores messages for the user, registering the message notification application to at least one instant messaging service, accessing one of the at least one instant messaging services by the user, adding the user to a buddy list of the message notification application, wherein the buddy list is associated with the one instant messaging service, sending an instant message notification to the user from the message notification application via the one instant messaging service when a message arrives on the server for the user, and allowing the user access to a server by one of using an internet appliance and using a telephone. As discussed above, the combination of Goldfinger with Cloutier is not valid. Further, Cloutier does not teach registering the message notification application to at least one instant messaging service. Still further, Goldfinger does not teach accessing one of the at least one instant messaging services by the user. Further, Goldfinger does not teach sending an instant message notification when a message arrives on the server for the user. Still further, Goldfinger does not teach adding the user to a buddy list of the message notification application. Still yet further, the proposed combination of Goldfinger with Cloutier necessarily includes two separate notification applications, not a single message notification application. For at least these reasons, the independent Claim 27 is allowable over the combination of Goldfinger with Cloutier.

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Attorney Docket No.: AVALUC-01701

For the reasons given above, Applicant respectfully submits that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 6-15-04

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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HAVERSTOCK & OWENS LLP.

Date: 6-15-04 By: 